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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

UNITED STATES OF AMERICA

Cr. A. No. 03-30019-01

VERSUS

JUDGE ROBERT G. JAMES

GARY VAN DANIELS

MAG. JUDGE KAREN L. HAYES

MEMORANDUM ORDER

This case is before the Court for review under 18 U.S.C. § 3582(c)(2). On April 4, 2008, the Court issued an order appointing the Office of the Public Defender to represent Defendant and notifying the parties that the Court intended to reduce Defendant's sentence to 135 months imprisonment. Pending before the Court is a Motion to Rescind Amended Judgment [Doc. No. 120] filed by Defendant, *pro se*. Defendant contends that he was unaware of the Court's April 4, 2008 Order, and did not know of the Court's intent until he received the Amended Judgment actually reducing his sentence.

Defendant moves the Court to allow him to introduce evidence in support of further reduction. The Court notes that its review in these cases is limited under § 3582(c)(2). However, given Defendant's alleged lack of notice, the Court will allow him to supplement the record with any additional information he wishes to provide. That information must be filed no later than **August 1, 2008.**

Once Defendant's submission is received, the Court will review the record and consider whether the reduction given is appropriate.

The Court notes that the Office of the Federal Public Defender has filed a Notice of

Appeal on Defendant's behalf, but the Court retains jurisdiction to consider Defendant's motion pursuant to *United States v. Greenwood*, 974 F.2d 1449 (5th Cir. 1992) (A motion for reconsideration filed during the time period for appeal renders the judgment "non-final" until the motion has been ruled on by the district court).

MONROE, LOUISIANA, this 18 day of July, 2008.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE